

REMARKS

This Amendment is responsive to the official action dated May 19, 2006. Claims 1-63 were pending in the application. In the official action, claims 41-63 were withdrawn from consideration, and claims 1-40 were rejected. In this Amendment, claims 1, 2, 4-6, 8-14, 16-20, 22-24, 26-32, and 34-40 have been amended, and new claim 64 has been added. Claims 1-40 and 64 thus remain for consideration.

Applicant submits that claims 1-40 and 64 are in condition for allowance and requests withdrawal of the rejections in light of the following remarks.

Specification

The disclosure was objected to as including informalities.

Applicant has amended the disclosure and submits that the disclosure is now in compliance with all formality requirements. Accordingly, Applicant requests that the objection to the disclosure be withdrawn.

§112 Rejections

Claims 2, 4-6, 8, 10-18, 20, 22-24, 26, 28-36, 38, and 40 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has made numerous amendments to the claims, and submits that the amendments to the claims render claims 2, 4-6, 8, 10-18, 20, 22-24, 26, 28-36, 38, and 40 compliant with §112. Accordingly, Applicant requests that the rejections under §112 be withdrawn.

§101 Rejections

Claims 37-40 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter.

Claims 37-40 have been amended to be drawn to a "storage medium" encoded with a data structure. As stated in the Manual of Patent Examining Procedure:

a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory.

(MPEP 2106 IV B 1(a))

Accordingly, Applicant submits that claims 37-40 are directed to statutory subject matter and requests that the rejections under §101 be withdrawn.

§103 Rejections

Claims 1-40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kawara et al. (U.S. Patent 6,278,836).

Applicant submits that the independent claims (claims 1, 19, and 37) are patentable over Kawara.

Applicant's invention as recited in the independent claims is directed toward an information processing device, an information processing method, and a storage medium storing a program for implementing the information processing method. Each of the claims recites "detecting a survival rate of digital watermark information associated with [] contents;" and "controlling the output of said contents on the basis of said

survival rate." The claims further recite that "said survival rate is a value determined according to a predetermined referenced value and the amount of detected watermark over a predetermined period." Supporting disclosure regarding Applicant's "survival rate" recitation can be found in the specification at, for example, page 13, line 21 - page 14, line 5.

Kawara does not disclose conditioning the output of contents on the basis of a "survival rate" as recited by Applicant. Accordingly, Applicant believes that claims 1, 19, and 37 are patentable over Kawara on at least this basis.

Further, since dependent claims inherit the limitations of their respective base claims, Applicant believes that dependent claims 2-18, 20-36, 38-40, and 64 are patentable over Kawara for at least the same reasons as discussed in connection with the independent claims.

Applicant respectfully submits that all of the claims now pending in the application are in condition for allowance, which action is earnestly solicited. If any issues remain, or if the Examiner has any further suggestions, he/she is invited to telephone the undersigned at (908) 654-5000.

The Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 12-1095.

Application No.: 09/869,258

Docket No.: SONYTA 3.3-131

The Examiner's consideration of this matter is gratefully acknowledged.

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Respectfully submitted,

By 

Bruno Polito

Registration No.: 38,580

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

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